

REMARKS

Claim Rejections 35 U.S.C. §112

Claims 15, 16, 24 and 31-34 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 15, 31 and 32 have been amended to clarify the claim language and claims 16 and 24 have been canceled. Therefore, Applicant requests the withdrawal of the rejection of the claims pursuant to Section 112, second paragraph.

Claim Rejections 35 U.S.C. §102(b)

Independent claims 29 and dependent claims 30-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kawamoto (US 6,334,501). In the present amendment, the language of claim 29 has been clarified to recite that the open end of the discharge chamber may be mounted to the exhaust end of a vehicle silencer. In the Office Action, the Examiner has conceded that Kawamoto “fails to teach that the adapter is arranged to be placed with its inlet connected to the exhaust end of a silencer.” See Office Action, Page 3, Para. 7. Therefore, in view of the present amendment and the fact that the cited reference does not teach the invention as claim, Applicant respectfully requests that independent claim 29 and its dependent claims 30-34 be allowed.

Claim Rejections 35 U.S.C. §103(a)

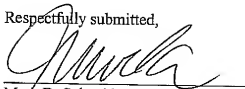
Applicant respectfully submits that it would not have been *obvious* to one of skill in the art to create an adapter that may be mounted to the exhaust end of a silencer that has an exhaust port has an area less than the area of the open end of the exhaust discharge chamber, notwithstanding the Examiner’s argument that it might be within the skill of one of skill in the art to construct such a device.

The prior art of record, including Hwang, teaches various modifications to an exhaust system within or preceding a muffler. The only exception to this statement is Petley. However, even Petley does not teach or suggest the use of an exhaust port has an area less than the area of the open end of the exhaust discharge chamber. Indeed, none of the cited reference even suggest that it would be desirable to construct an exhaust port that is designed to *restrict* the flow of exhaust.

Applicant appreciates the attention that the Examiner has clearly given to this application and the detailed nature of the recent Office Action. However, Applicant very respectfully submits that the Examiner has engaged in hindsight reconstruction in rejecting the various claims. Therefore, Applicant requests the reconsideration and withdrawal of the rejection to claims 1, 4-15, 17-23, 25-28 and 33-34.

In view of the above amendment and remarks, Applicant submits that the application is now in proper form for allowance and publication.

Respectfully submitted,



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